

# **City of Carmel**

## **Common Council**

**July 17, 2006**  
**6:00 P.M.**

# COMMON COUNCIL MEETING AGENDA

MONDAY, JULY 17, 2006 – 6:00 P.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
  - a. July 6, 2006 Special Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
  - Payroll
  - General Claims
  - Retirement
9. COMMITTEE REPORTS
  - a. Finance, Administration and Rules Committee
  - b. Land Use, Annexation and Economic Development Committee
  - c. Parks, Recreation and Arts Committee
  - d. Utilities, Transportation and Public Safety Committee

10. **OLD BUSINESS**

11. **PUBLIC HEARINGS**

- a. **First Reading of Ordinance Z-493-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Gramercy Planned Unit Development District; Sponsor: Councilor Rattermann.
- b. **First Reading of Ordinance Z-495-06**; An Ordinance of the Common council of the City of Carmel, Indiana, Establishing the Aramore Planned Unit Development District; Sponsor: Councilor Rattermann.

12. **NEW BUSINESS**

13. **OTHER BUSINESS**

- a. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05

14. **ANNOUNCEMENTS**

15. **EXECUTION OF DOCUMENTS**

16. **ADJOURNMENT**

# COMMON COUNCIL SPECIAL MEETING MINUTES

THURSDAY, JULY 6, 2006 – 8:30 A.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## **MEMBERS PRESENT:**

Council President Richard L. Sharp, Councilors Brian D. Mayo, Joseph C. Griffiths, Fredrick J. Glaser, Ronald E. Carter, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Jean Belcher.

Mayor James Brainard and Councilors Kevin Kirby and Mark Rattermann were not in attendance.

Council President Sharp called the meeting to order at 8:30 a.m.

## **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:**

There were none.

## **APPROVAL OF MINUTES:**

Councilor Mayo made a motion to approve the Minutes from the June 5, 2006 Regular Meeting. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 5-0.

Councilor Mayo made a motion to approve the Minutes from the June 19, 2006 Regular Meeting. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The Minutes were approved 5-0.

## **CLAIMS:**

Councilor Mayo made a motion to approve the Claims in the amount of \$1,760,280.76. Councilor Griffiths seconded. There was no Council discussion. Claims were approved 5-0.

## **PUBLIC HEARINGS**

Council President Sharp announced the **Second Reading of Ordinance D-1809-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Vacating a Platted Right-Of-Way. Council President Sharp opened the Public Hearing at 8:31 a.m. Seeing no one who wished to speak, Council President Sharp closed the Public Hearing at 8:32 a.m. There was no Council discussion. Councilor Glaser made a motion to adopt Ordinance D-1809-06. Councilor Carter seconded. Council President Sharp called for the question. **Ordinance D-1809-06** was adopted 5-0.

## **ANNOUNCEMENTS**

There were none.

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**EXECUTION OF DOCUMENTS**

Council President Sharp adjourned the meeting at 8:34 a.m.

**ADJOURNMENT**

Respectfully submitted,

\_\_\_\_\_  
Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

\_\_\_\_\_  
Mayor James Brainard

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer Diana L. Cordray, IAMC

ORDINANCE Z-493-06

AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA, ESTABLISHING THE  
GRAMERCY PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, Section 31.6.4 of the Carmel/Clay Zoning Ordinance Z-289 (the “Carmel/Clay Zoning Ordinance”), provides for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.;

WHEREAS, the Carmel/Clay Plan Commission (the “Commission”) has given a favorable recommendation to the ordinance set forth herein (“Gramercy”) which establishes the Gramercy Planned Unit Development District (the “District”), which shall also be referred to as the “Gramercy Ordinance.”

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana (the “Council”), that (i) pursuant to IC §36-7-4-1500 *et seq.*, it adopts this Gramercy Ordinance, as an amendment to the Carmel/Clay Zoning Ordinance and it shall be in full force and effect from and after its passage, (ii) all prior commitments shall be null and void and replaced and superseded by this Gramercy Ordinance, and (iii) this Gramercy Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

**Section 1      Applicability of Ordinance**

1.1. The Official Zoning Map of the City of Carmel and Clay Township, a part of the Carmel/Clay Zoning Ordinance, is hereby changed to designate the land described in Exhibit “A,” which is attached hereto and incorporated herein by reference (the “Real Estate”), as a Planned Unit Development District known as Gramercy.

1.2. Development in the District shall be governed entirely by (i) the provisions of this Gramercy Ordinance and its exhibits, and (ii) those provisions of the Carmel/Clay Zoning Ordinance specifically referenced in this Gramercy Ordinance. Development in the District shall be exempt from the provisions, standards and requirements in the Subdivision Control Ordinance, including but not limited to provisions regarding standards of design contained in Chapter 6 of the Carmel Subdivision Control Ordinance and open space requirements contained in Chapter 7 of the Carmel Subdivision Control Ordinance; provided, however, the provisions regarding procedures for subdivisions, penalties and plat certificates shall apply. In the event of a discrepancy and/or conflict between the Gramercy Ordinance and the (i) Carmel/Clay Zoning Ordinance, (ii) the Sign Ordinance, or (iii) Subdivision Control Ordinance,

the provisions of this Gramercy Ordinance shall apply.

- 1.3. Any capitalized term not defined herein shall have the meaning as set forth in the Carmel/Clay Zoning Ordinance in effect on the date of the enactment of this Gramercy Ordinance.

**Section 2 Current Conditions and Structures.** Attached hereto and incorporated herein by reference as Exhibit “B” is an aerial photograph depicting the boundaries of the Real Estate and the Existing Apartments and Existing Apartment Accessory Uses. The Existing Apartments and the Existing Apartment Accessory Uses shall be permitted to remain in their current conditions and shall not be subject to the terms and conditions of this Gramercy Ordinance and the Gramercy Design and Development Standards. However, as redevelopment of the Real Estate occurs and a portion or portions of either the Existing Apartments and/or the Existing Apartment Accessory Uses are intentionally removed or demolished in order to accommodate the redevelopment, the newly constructed buildings and structures shall be subject to this Gramercy Ordinance and the Gramercy Design and Development Standards. All improvements in existence as of the date of this Ordinance may be maintained, remodeled, and reconstructed, including reconstruction after fire or other casualty.

**Section 3 Platting.** The platting of the Real Estate into smaller Sections shall be permitted but not required to split the Real Estate into smaller Sections. If platting occurs, the Primary Plat and the Secondary Plat for any Section shall be approved administratively, so long as (i) the proposed Primary Plat and Secondary Plat, as applicable, complies with the requirements set forth in the attached Gramercy Design and Development Standards, which is attached hereto and incorporated herein by reference as Exhibit “G”, (ii) the Primary Plat substantially complies with the approved Development Plan and ADLS approval, and (iii) the Secondary Plat complies with the approved Primary Plat, the approved Development Plan and the ADLS approval. Primary Plat approval or Primary Plat and Secondary Plat Approval for any Section may be obtained concurrently with Development Plan and ADLS approvals. The creation of a new property or boundary lines within the Real Estate shall not impose or establish new development standards, including but not limited to the creation of required setbacks other than the required Perimeter Setbacks provided in Section 4.4(A-D), beyond those specified below in the Gramercy Design and Development Standards for the entirety of the Real Estate. However, the development of any Section or Sections shall conform to the requirements set forth in the Gramercy Design and Development Standards, and all other applicable requirements contained in this Gramercy Ordinance. Except as specifically provided for otherwise in this Gramercy Ordinance, the provisions regarding procedures for subdivisions and plat certificates shall apply.

**Section 4 Design and Development Standards and Permitted Uses**

- 4.1. **Design and Development Standards.** The design and development of the District shall comply with Exhibit “G”, the Gramercy Design and Development Standards.

1                   A.     Gramercy Development, Phasing, and Access

2                   1.     Fifty percent (50%) of the total acreage of the Real Estate may be  
3                         developed pursuant to the standards and requirements of this  
4                         Gramercy Ordinance without vehicular access to Keystone Avenue  
5                         or Carmel Drive.

6                   2.     The total remaining acreage of the Real Estate that is not  
7                         developed pursuant to Section 4.1(A)(1) above may be developed  
8                         and built pursuant to the standards and requirements of this  
9                         Gramercy Ordinance upon the acquisition of additional curb cuts  
10                        and/or additional real estate that can accommodate vehicular  
11                        access to either Keystone Avenue or Carmel Drive.

12                  B.     Auman Drive Access: Streets located on the Real Estate that  
13                         approach and ultimately intersect with East Auman Drive shall  
14                         incorporate appropriate traffic calming techniques in their design,  
15                         including but not limited to jogs in the street alignment within the  
16                         Real Estate. As part of the ADLS and Development Plan process,  
17                         the number and location of any access points to East Auman Drive  
18                         and/or Shoshone Drive shall be reviewed and approved by the Plan  
19                         Commission. Unless specifically required by the Plan  
20                         Commission, Department of Community Services, Department of  
21                         Engineering and/or the Board of Public Works, the Developer shall  
22                         not permit more than two access points onto East Auman Drive  
23                         and/or Shoshone Drive. Access point locations shall be  
24                         determined in cooperation with the Department of Community  
25                         Services, Department of Engineering and/or Board of Public  
26                         Works.

27                  4.2.   Permitted Uses and Use Areas. Exhibit “E”, which is attached hereto and  
28                         incorporated herein by reference, sets forth the general locations of Use  
29                         Areas A, B and C (as defined below). Exhibit “F”, which is attached  
30                         hereto and incorporated herein by reference, sets forth the Permitted  
31                         District Uses for each Use Area, subject to the other requirements and  
32                         standards of this Gramercy Ordinance, including the provisions contained  
33                         in Sections 4.2(D) and 4.2(E) below.

34                  A.     Use Area A. “Use Area A” shall be defined as the first and second  
35                         rows of Buildings that are either (1) situated immediately along  
36                         and facing the western property line or (2) situated immediately  
37                         along and facing the northern property line as generally depicted  
38                         on Exhibit “E”.

39                  B.     Use Area B. “Use Area B” shall be defined as the third and fourth  
40                         rows of Buildings to the east and south of Use Area A as generally  
41                         depicted on Exhibit “E”. Within Use Area B, a minimum of



seventy percent (70%) of the total gross floor area shall contain uses which are listed in Exhibit “F” in the “Residential Uses” category, provided, however, that any uses listed in Exhibit “F” in the categories titled “Miscellaneous,” “Transportation and Communication Uses,” and “Temporary Uses,” as well as the “Public Park” use shall be excluded from any calculation of gross floor area.

C. Use Area C. “Use Area C” shall be defined as all areas of the Real Estate not specifically identified or described as part of Use Areas A or B, as generally depicted on Exhibit “E”. Within Use Area C, a minimum of fifty percent (50%) of the total gross floor area shall contain uses which are listed in Exhibit “F” in the “Residential Uses” category, provided, however, that any uses listed in Exhibit “F” in the categories titled “Miscellaneous,” “Transportation and Communication Uses,” and “Temporary Uses,” as well as the “Public Park” use shall be excluded from any calculation of gross floor area.

D. Limitations on Uses. Within the Gramercy District, no more than one hundred fifty thousand (150,000) square feet shall contain permitted uses listed in Exhibit “F” in the following categories: (i) “Office Uses”; (ii) “Retail & Service Uses”.

E. 126<sup>th</sup> Street/Keystone Avenue Special Use & Height Area. In addition to the uses permitted in Use Area A and Use Area B respectively, all other uses identified in Exhibit “F” shall be permitted as a Special Use, but only in the portions of these Use Areas located to the east of the easternmost entrance to the Real Estate from 126<sup>th</sup> Street. As part of a Special Use request pursuant to this Section 4.2(E), the maximum Building Height may be modified.

F. Mixed Uses. For any uses that are permitted in any Use Area as listed in Exhibit “F”, those permitted uses may be contained in different combinations within a single Building.

G. Leasing. For any Dwelling Unit within the District, the owner of said Dwelling Unit shall be permitted to lease or rent the Dwelling Unit to another person(s), subject to the rules and ordinances of the City of Carmel and the rules of any applicable Homeowner’s Association.

H. Model Homes. Model Homes shall be permitted in any of the areas as listed in Exhibit “F” and shall be governed by the City of Carmel’s rules and ordinances governing Model Homes.

1 I. Temporary Uses. Temporary Uses shall be permitted as listed in  
2 Exhibit “F” and shall be governed by the City of Carmel’s rules  
3 and ordinances governing Temporary Uses.

4 4.3. Building Height. Exhibit “D”, which is attached hereto and incorporated  
5 herein by reference, sets forth the general locations of the Perimeter  
6 Transitional Area, the Interior Transitional Area, the Core Transitional  
7 Area, and the Core Area (as defined below).

8 A. Perimeter Transitional Area. The “Perimeter Transitional Area”  
9 shall be defined as the first and second rows of Buildings that are  
10 either (1) situated immediately along and facing the western  
11 property line or (2) situated immediately along and facing the  
12 northern property line as generally depicted on Exhibit “D.” The  
13 maximum Building Height within the Perimeter Transitional Area  
14 shall be thirty-five feet (35’).

15 B. Interior Transitional Area: The “Interior Transitional Area” shall  
16 be defined as the third and fourth rows of Buildings to the east and  
17 south of the Perimeter Transitional Area as generally depicted on  
18 Exhibit “D.” The maximum Building Height within the Interior  
19 Transitional Area shall be fifty feet (50’).

20 C. Core Transitional Area: The “Core Transitional Area” shall be  
21 defined as the area generally depicted as the Core Transitional  
22 Area on Exhibit “D.” The maximum Building Height within the  
23 Core Transitional Area shall be sixty-five feet (65’).

24 D. Core Area: All areas of the Real Estate not specifically identified  
25 or described as part of a Transitional Area on Exhibit “D” shall  
26 constitute the Core Area. The maximum Building Height within  
27 the Core Area shall be one hundred feet (100’).

28 4.4 Perimeter Setbacks.

29 A. Western Property Line: There shall be a minimum setback of  
30 fifteen feet (15’) from the western property line of the Real Estate.

31 B. Northern Property Line: There shall be a minimum setback of  
32 fifteen feet (15’) from the northern property line of the Real Estate.

33 C. Eastern Property Line: There shall be a minimum setback of thirty  
34 feet (30’) from the eastern property line of the Real Estate.

35 D. Southern Property Line: There shall be no minimum setback from  
36 the southern property line of the Real Estate.

37 E. Internal Setbacks: There shall be no minimum setbacks required

for any internal boundary lines created by platting or splitting the Real Estate.

4.5 **Building Orientation.** Any building situated along the portion of the Real Estate directly adjacent to either 126<sup>th</sup> Street or East Auman Drive shall be oriented in such a way that the rear of the building does not face either 126<sup>th</sup> Street or East Auman Drive.

4.6 **Trash Enclosures.** No trash enclosures, compacters, dumpsters, or other permanent structure or structures for refuse or recycling storage shall be located such that it is visible from the properties (1) adjacent to the western perimeter of the Real Estate and East of Auman Drive, (2) adjacent to the northern perimeter of the Real Estate and 126<sup>th</sup> Street, or (3) adjacent to the eastern perimeter of the Real Estate and Keystone Avenue.

4.7 **Streets.** New streets located within the Gramercy District may be either (1) dedicated to the public through the platting process, or (2) maintained in private access easements (such as alleys) that shall connect to publicly dedicated streets, as determined by the Developer and approved through the ADLS and Development Plan process by the Plan Commission. Streets shall be designed in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards. Streets shall remain open and accessible to the public and shall not be gated or access-controlled, unless otherwise approved through the ADLS and Development Plan process by the Plan Commission.

**Section 5** **Accessory Buildings.** All Accessory Buildings and Accessory Uses shall be permitted except that any detached accessory building shown in any Development Plan shall on all sides be architecturally compatible with the principal building(s) with which it is associated.

**Section 6** **Landscaping.** Landscaping shall be required in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards. A Landscape Plan shall be submitted as part of any ADLS approval and Development Plan approval for any Section to be developed.

**Section 7** **Lighting.** Lighting shall be required in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards. A Lighting Plan shall be submitted as part of any ADLS approval and Development Plan approval for any Section to be developed.

**Section 8** **Parking.** Parking shall be required in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards.

**Section 9** **Signage.** Signage shall be required in accordance with the standards contained in Exhibit "G", the Gramercy Design and Development Standards.

1     **Section 10     Approval Process**

2           10.1.   Nature of Development Requirements. The development requirements set  
3                   forth in this Gramercy Planned Unit Development District are expressed in  
4                   detailed terms as provided under I.C. § 36-7-4-1509(a)(2). As permitted  
5                   under I.C. § 36-7-4-1509(e), the approval process contained in this Section  
6                   10 shall be adhered to in order to obtain an Improvement Location Permit.

7           10.2.   Approval or Denial of the Primary Plat/Development Plan. Exhibit “C”,  
8                   which is attached hereto and incorporated herein by reference, shall serve  
9                   as the Conceptual Plan (the “CP”). However, the CP does not constitute  
10                  the approved Development Plan or Primary Plat for the Real Estate, nor  
11                  does it constitute the ADLS approval for the Real Estate and the  
12                  improvements thereon, considered in connection with the Gramercy  
13                  Ordinance. The development of any Section of Gramercy shall require  
14                  further (i) Architectural Design, Exterior Lighting, Landscaping and  
15                  Signage Regulations (“ADLS”) approval pursuant to Chapter 24 of the  
16                  Carmel Zoning Ordinance and (ii) development plan approval pursuant to  
17                  Chapter 24 of the Carmel Zoning Ordinance (“Development Plan”), (iii)  
18                  Primary Plat approval, and (iv) Secondary Plat approval in accordance  
19                  with Section 10.3 below. If there is a Substantial Alteration in the  
20                  approved ADLS or Development Plan, review and approval of the  
21                  amended plans shall be made by the Commission, or a Committee thereof,  
22                  pursuant to the Commission’s rules of procedure. Minor Alterations may  
23                  be approved by the Director. Notwithstanding anything herein to the  
24                  contrary, neither ADLS approval or Development Plan approval shall alter  
25                  the specific development requirements contained in this Gramercy  
26                  Ordinance unless agreed to by the Developer, and compliance with the  
27                  specific development requirements set forth in this Gramercy Ordinance  
28                  shall not be the basis for denial of ADLS approval or a Development Plan  
29                  for a Section.

30          10.3.   Approval or Denial of Secondary Plat.

31           A.       The Director shall have the sole and exclusive authority to approve  
32                   without conditions, approve with conditions, or disapprove the  
33                   Secondary Plat (the “SP”) for the Gramercy Ordinance; provided,  
34                   however, that the Director shall not unreasonably withhold or  
35                   delay the Director’s approval of the SP that is in substantial  
36                   conformance with the Development Plan and Primary Plat and is in  
37                   conformance with this Gramercy Ordinance and the Gramercy  
38                   Design and Development Standards. If the Director disapproves  
39                   any SP, the Director shall set forth in writing the basis for the  
40                   disapproval. Upon receipt of such written disapproval, the  
41                   applicant may either amend the Secondary Plat to address the  
42                   stated reasons for denial and resubmit the amended Secondary Plat  
43                   or schedule the request for approval of the SP for a hearing before

1 the full Plan Commission.

2 B. An amendment to the SP, which is not determined by the Director  
3 to be a Substantial Alteration from the approved Development Plan  
4 and Primary Plat, may be reviewed and approved solely by the  
5 Director. However, in the event the Director determines that there  
6 has been a Substantial Alteration between the approved  
7 Development Plan and or Primary Plat and any proposed SP, the  
8 Director may, at the Director's discretion, refer the amended SP to  
9 the Commission, or a Committee thereof, for review and approval  
10 by the Commission and/or a Committee thereof.

11 C. The SP shall be a specific plan for the development of all of the  
12 Real Estate or a Section that is submitted for approval to the  
13 Director, which shall include reasonable detail regarding the  
14 facility and structures to be constructed, as well as drainage,  
15 erosion control, utilities, streets and building information.

16 10.4. Additional Notification Required. In addition to the public notice required  
17 by law for any ADLS, Development Plan, or Variance Petition submitted  
18 for any Section(s) of the District or any building(s) within the District, the  
19 Developer shall provide the same notification via USPS mail to the  
20 following individuals: (i) President of the Homeowner's Association,  
21 Enclave subdivision, (ii) President of the Homeowner's Association or  
22 other appointed representative, Auman subdivision, and (iii) President of  
23 the Homeowner's Association or other appointed representative, Newark  
24 Village subdivision.

25 **Section 11 Construction Activity and Construction Traffic.** Any construction  
26 activity and/or construction traffic that occurs within and upon the Real Estate shall be  
27 subject to all relevant regulations, ordinances, and technical specifications of the City of  
28 Carmel that govern such activity. Unless specifically required by the City of Carmel  
29 Board of Public Works and/or the City of Carmel Department of Engineering, the  
30 Developer shall not permit any construction entrances and/or construction traffic onto  
31 East Auman Drive. The Developer shall direct construction traffic away from residential  
32 neighborhoods, subject to the direction of the City of Carmel Board of Public Works  
33 and/or the City of Carmel Department of Engineering. Unless otherwise approved or  
34 required by the City of Carmel Board of Public Works and/or the City of Carmel  
35 Department of Engineering, construction work hours shall be between the hours of 7:00  
36 am and 7:00 pm, and no work shall be performed on the following days: New Years Day,  
37 Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

38 **Section 12 Rules of Construction**

39 12.1. General Rules of Construction. The following general rules of  
40 construction and definitions shall apply to the regulations of this  
41 Ordinance:

- 1 A. The singular number includes the plural and the plural the singular,  
2 unless the context clearly indicates the contrary.
- 3 B. Words used in the present tense include the past and future tenses,  
4 and the future the present.
- 5 C. The word “shall” is a mandatory requirement. The word “may” is  
6 a permissive requirement. The word “should” is a preferred  
7 requirement.

8 **Section 13** **Violations.** All violations of this Gramercy Ordinance shall be subject to  
9 Section 34.0 of the Carmel/Clay Zoning Ordinance.

10 **Section 14** **Definitions**

- 11 14.1. **Alteration, Minor:** Any change to an approved plan of any type that  
12 involves the revision of less than ten percent (10%) of the plan’s total area  
13 or approved materials.
- 14 14.2. **Alteration, Substantial:** Any change to an approved plan of any type that  
15 involves the revision of ten percent (10%) or more of the plan’s total area  
16 or approved materials.
- 17 14.3. **Building Height:** The vertical distance from the lot ground level to the  
18 highest point of the roof for a flat roof, to the deck line of a mansard roof  
19 and to the mean height between eaves and ridges for gable, hip and  
20 gambrel roofs.
- 21 14.4. **City:** The City of Carmel, Indiana.
- 22 14.5. **Commission:** The Carmel/Clay Plan Commission.
- 23 14.6. **Council:** The Common Council of the City of Carmel, Indiana.
- 24 14.7. **County:** Hamilton County, Indiana.
- 25 14.8. **Conceptual Plan:** Conceptual Plan shall mean and refer to a general plan  
26 for the development of the Real Estate showing the conceptual layout of  
27 blocks, streets, and open spaces pursuant to the Gramercy Planned Unit  
28 Development Ordinance (the “Gramercy Ordinance”). All locations of  
29 streets and open spaces are intended to facilitate the communication of  
30 standards within the Gramercy Ordinance and are subject to modification  
31 by the Developer. Final street and open space locations shall be generally  
32 consistent in character with the Conceptual Plan and shall be determined  
33 in accordance with each Section that is the subject of an ADLS and  
34 Development Plan submittal or shall be approved by the Director. The  
35 Conceptual Plan for the Gramercy Planned Unit Development District is  
36 depicted on Exhibit “C” which is attached hereto and incorporated herein

by reference.

14.9. Condominium: A residential living unit or units as defined in and governed by the Indiana Code, Sections. 32-25-1-1 to 32-25-9-2, inclusive.

14.10. Developer: Buckingham Properties, Inc. and its successors and assigns.

14.11. Development: The Real Estate constituting the District as it may be developed and improved in accordance with this Ordinance and the Development Requirements contained herein.

14.12. Development Requirements: Development standards and any requirements specified in this Gramercy Ordinance which must be satisfied in connection with the approval of a Secondary Plat.

14.13. Director: Director, or Administrator, of the Department of Community Services for the City of Carmel, Indiana. "Director" and "Administrator" shall include his/her authorized representatives.

14.14. District: Approximately 116.6 acres of land described in Exhibit "A" which is attached hereto and incorporated herein by reference.

14.15. Existing Apartments: The Existing Apartments are depicted on Exhibit "B" which is attached hereto and incorporated herein by reference and consists of all the current apartment structures and buildings on the Real Estate.

14.16. Existing Apartment Accessory Uses: The Existing Apartment Accessory Uses are depicted on Exhibit "B" which is attached hereto and incorporated herein by reference and include, but are not limited to, all accessory buildings, structures and improvements relating to the Existing Apartments, such as streets, parking areas, landscaping, lighting, signage, garage structures, covered garage structures, trash enclosures and trash structures, clubhouse, swimming pool, tennis courts, covered garage structures, the apartment complex clubhouse and related structures, the golf course, the golf course clubhouse, and all related golf course improvements, structures and facilities and all other improvements currently existing on the Real Estate.

14.17. General Service: An establishment or place of business primarily engaged in the provision of services, and with little or no retail sales.

14.18. Live/Work Dwelling: A type of Building in which the uses permitted in the Office Uses, Educational Uses, Retail & Service Uses and Cultural/Entertainment Uses that are set forth in the Schedule of Permitted Uses that is attached to the Gramercy Ordinance as Exhibit "F", which is attached hereto and incorporated by reference, are permitted in the

1 Live/Work Dwelling. Both residential and non-residential uses shall be  
2 permitted in a Live/Work Dwelling.

3 14.19. Open Space: A land or water surface within the Development designed  
4 and intended for the use and enjoyment of some or all of residents of the  
5 Development and, where designated, the community at large. Grass and  
6 landscaped areas, hardscape materials, paths and sidewalks may be  
7 included in any area calculations of open space so long as they are  
8 associated with landscaping, planting areas, or trees for shade.

9 14.20. Parking Lot, Commercial: Any area of land used or intended for off-street  
10 surface parking and operated for remuneration.

11 14.21. Parking Structure, Commercial: Any building, facility or structure used as  
12 an enclosed off-street parking facility and operated for remuneration.

13 14.22. Parking Structure, Private: Any building, facility or structure used as an  
14 enclosed off-street parking facility, and privately owned.

15 14.23. Permitted District Uses: The Permitted District Uses shall mean and refer  
16 to the permitted uses set forth in Exhibit "F", the Schedule of Permitted  
17 Uses, which is attached hereto and incorporated herein by reference.

18 14.24. Real Estate: The Real Estate shall mean and refer to all of the Real Estate  
19 described in Exhibit "A", which is attached hereto and incorporated herein  
20 by reference.

21 14.25. Secondary Plat: A specific plan for the development of the Real Estate, a  
22 portion of the Real Estate or a Section of the Real Estate that is submitted  
23 for approval showing proposed facilities, buildings, and structures. This  
24 plan review includes general landscaping, parking, drainage, erosion  
25 control, signage, lighting, screening and building information for the site.

26 14.26. Section: A specific area or parcel of the Real Estate that is submitted for  
27 ADLS approval, Development Plan and/or Primary Plat approval (the "DP  
28 Approval").

29 14.27. Sign Ordinance: The City of Carmel Sign Ordinance, Section 25.07 of the  
30 City of Carmel Zoning Ordinance.

31  
32  
33 **PASSED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_ day  
34 of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.  
35  
36  
37  
38



1 **COMMON COUNCIL FOR THE CITY OF CARMEL**

2  
3  
4  
5 \_\_\_\_\_  
6 Presiding Officer

\_\_\_\_\_ Joseph C. Griffiths

7  
8 Richard L. Sharp, President Pro Tempore

\_\_\_\_\_ Kevin Kirby

9  
10  
11 Ronald E. Carter

\_\_\_\_\_ Brian D. Mayo

12  
13  
14 Fredrick J. Glaser

\_\_\_\_\_ Mark Rattermann

15  
16 ATTEST:

17  
18  
19 \_\_\_\_\_  
20 Diana L. Cordray, IAMC, Clerk Treasurer

21 Presented by me to the Mayor of the City of Carmel, Indiana the \_\_\_\_ day of  
22 \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

23  
24  
25  
26 \_\_\_\_\_  
27 Diana L. Cordray, IAMC, Clerk Treasurer

28 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of  
29 \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

30  
31  
32  
33 \_\_\_\_\_  
34 James Brainard, Mayor

35 ATTEST:

36  
37  
38  
39 \_\_\_\_\_  
40 Diana L. Cordray, IAMC, Clerk Treasurer

1 This Instrument prepared by: David E. Leazenby and Sara Nasuti  
2 Buckingham Properties, Inc.  
3 333 N. Pennsylvania St., 10<sup>th</sup> Floor  
4 Indianapolis, IN 46204  
5  
6

7 This Instrument reviewed by: James E. Shinaver  
8 NELSON & FRANKENBERGER  
9 3105 East 98th Street, Suite 170  
10 Indianapolis, IN 46280  
11

12 Timothy Ochs  
13 ICE MILLER  
14 One American Square, Box 82001  
15 Indianapolis, IN 46282  
16

17 Gramercy PUD Ver7 7-17-06

## Exhibit "A" - Legal Description

Part of the Northwest Quarter and part of the Northeast Quarter of Section 31, Township 18 North, Range 4 East, in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of Section 31, Township 18 North, Range 4 East; thence South 90 degrees 00 minutes 00 seconds East (assumed bearing) on and along the North line of said Northeast Quarter 657.90 feet; thence South 00 degrees 15 minutes 20 seconds East 2657.80 feet to the South line of said Northeast Quarter; thence South 89 degrees 56 minutes 10 seconds West on and along aforesaid South line 660.00 feet to the Southwest Corner of said Northeast Quarter; thence South 90 degrees 00 minutes 00 seconds West on and along the South line of the Northwest Quarter of said Section 31, 660.00 feet; thence North 00 degrees 12 minutes 35 seconds West parallel with the East line of said Northwest Quarter 2081.30 feet to a point which is 577.50 feet South and 00 degrees 12 minutes 35 seconds East of the North line of said Northwest Quarter; thence South 89 degrees 58 minutes 35 seconds East parallel with the North line of said Northwest Quarter 379.50 feet; thence North 00 degrees 12 minutes 35 seconds West parallel with the East line of said Northwest Quarter 577.50 feet to the North line thereof; thence South 89 degrees 58 minutes 35 seconds East on and along aforesaid North line 280.50 feet to the Place of Beginning.

ALSO:

Part of the Northeast Quarter of Section 31, Township 18 North, Range 4 East, in Hamilton County, Indiana, more particularly described as follows:

Beginning 657.90 feet North 90 degrees 00 minutes 00 seconds East (assumed bearing) of the Northwest Corner of the Northwest Corner of the Northeast Quarter of Section 31, Township 18 North, Range 4 East, and on the North line thereof; thence South 00 degrees 15 minutes 20 seconds East 2657.80 feet to the South line of said Northeast Quarter, distant 660.00 feet Easterly from the Southwest Corner thereof; thence North 89 degrees 56 minutes 10 seconds East on and along aforesaid South line 476.85 feet to the West right of way line of State Road #431; thence on and along aforesaid West right of way line of said State Road #431 the following Nine (9) courses; thence North 05 degrees 26 minutes 50 seconds East 157.45 feet; thence North 01 degree 43 minutes 42 seconds East 200.42 feet; thence North 10 degrees 24 minutes 02 seconds East 150.56 feet; thence North 05 degrees 26 minutes 50 seconds East 462.20 feet to the point of Curvature of a curve to the left with a radius of 19,011.59 feet; thence Northerly on and along said curve to the left 1,580.57 feet through a central angle of 04 degrees 45 minutes 48 seconds; thence North 38 degrees 59 minutes 10 seconds West 98.58 feet; thence North 89 degrees 56 minutes 05 seconds West 200.00 feet; thence North 67 degrees 03 minutes 20 seconds West 54.27 feet; thence North 00 degrees 03 minutes 55 seconds East 16.14 feet to the North line of said Northeast Quarter; thence North 90 degrees 00 minutes 00 seconds West on and along aforesaid North line 353.27 feet to the Place of Beginning.

ALSO:

Part of the Northwest Quarter of Section 31, Township 16 North, Range 4 East in Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 31, Township 18 North, Range 4 East, which is 280.50 feet North 89 degrees 58 minutes 35 seconds West (assumed bearing) of the Northeast Corner of said Northwest Quarter; thence South 00 degrees 12 minutes 35 seconds East parallel with the East line of said Northwest Quarter 577.50 feet; thence North 89 degrees 58 minutes 35 seconds West parallel with the North line of said Northwest Quarter 379.50 feet; thence North 00 degrees, 12 minutes 35 seconds West parallel with the East line of said Northwest Quarter 577.50 feet to the North line thereof; thence South 89 degrees 58 minutes 35 seconds East on and along aforesaid North line 379.50 feet to the Place of Beginning.

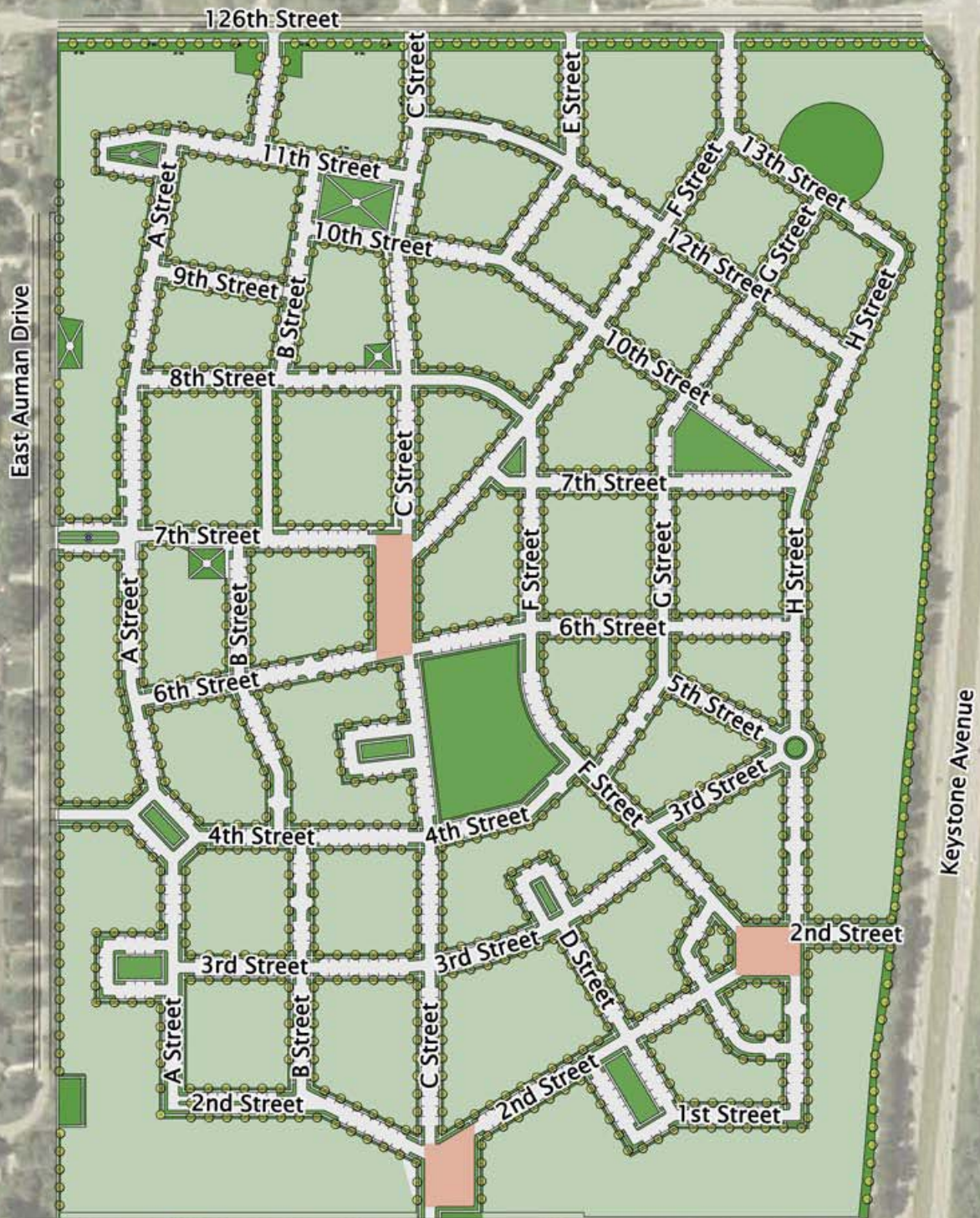


Exhibit "B" - Existing Conditions and Structures





Exhibit 'C' - Conceptual Plan



# GRAMERCY - CONCEPTUAL DEVELOPMENT PLAN

# Exhibit "F" - Schedule of Permitted Uses

Version 5

**P = Permitted, "Blank" = Prohibited,  
SU = Special Use**

	Area A	Area B	Area C
<b>Residential Uses</b>			
Single Family Dwelling	P	P	P
Two Family Dwelling	P	P	P
Multiple Family Dwelling <sup>1</sup>	P	P	P
Detached Dwelling	P	P	P
Accessory Dwelling	P	P	P
Attached Dwelling	P	P	P
Home Occupation	P	P	P
Bed & Breakfast Inn			P
Model Home	P	P	P
Guest House		P	P
Boarding or Lodging House			P
Nursing/Retirement/Convalescent Facility			P
Private Swimming Pool, etc		P	P
Live/Work Dwelling		P	P

<sup>1</sup> Within District A, any Multiple Family Dwelling shall contain for-sale units only and the number of units per Building shall be limited to 5 or less.

<b>Office Uses</b>			
Clinical or Medical Health Center			P
Research Laboratory or Facility			P
General Offices		P	P
Professional Offices		P	P
Training Facility			P

<b>Institutional Uses</b>			
Church/Temple/Places of Worship			SU
Hospital			SU
Surgery Center			P
Urgent Care Facility			P
Rehabilitation Facility			P
Physical/Occupational Care			P
Library		P	P
Post Office		P	P
Public Service Facility		P	P

<b>Educational Uses</b>			
School, Trade or Business		P	P
College or University		P	P
Day Nursery/Day Care		P	P
Kindergarten/Preschool		P	P
School of General Elementary or Secondary Education		P	P

<b>Retail &amp; Service Uses</b>			
General Retail Sales		P	P
General Service		P	P
Automobile Service Station			P
Automobile/Truck Repair (indoor)			P
Café		P	P
Delicatessen		P	P
Coffee Shop		P	P
Commercial Kennel			P
Dry Cleaning Establishment (w/ on-site plant)			P
Dry Cleaning Establishment (w/out on-site plant)		P	P
Equipment Sales/Repair (indoor)		P	P
Financial Institution (with drive-thru)			P
Financial Institution (without drive-thru)		P	P
Automated Teller Machine (ATM)		P	P

P = Permitted, "Blank" = Prohibited,  
SU = Special Use

	Area A	Area B	Area C
Food Stand			P
Funeral Home/Mortuary/Crematory			SU
Roadside Sales Stand			P
Self-Service Laundry		P	P
Veterinary Hospital with commercial kennel			P
Veterinary Hospital without commercial kennel			P
Wholesale Sales			P

#### Cultural/Entertainment Uses

Art Gallery		P	P
Art & Music Center		P	P
Hotel			P
Hotel (full service)			P
Indoor Theater			P
Outdoor Theater			P
Catering Establishment		P	P
Restaurant, without drive-thru sales		P	P
Restaurant, with walk-up/drive-thru food sales			P
Meeting or Party Hall			P
Museum		P	P
Tavern/Night Club			P

#### Industrial Uses

Printing/Publishing Establishment		P	P
-----------------------------------	--	---	---

#### Recreational

Commercial Recreational Facility, Indoor		P	P
Commercial Recreational Facility, Outdoor			P
Community Center		P	P
Country Club			P
Golf Course			P
Health/Fitness Facility		P	P
Private Club or Lodge		P	P
Private Recreational Facility		P	P
Park, Public	P	P	P

#### Miscellaneous

Artificial Lake or Pond (non-platted)	P	P	P
Commercial Parking Lot			SU
Commercial Parking Structure			P
Private Parking Structure		P	P

#### Temporary Uses

Construction Facility		P	P
Display, Outdoor		P	P
Model Homes	P	P	P
Sales, Outdoor		P	P
Sales, Seasonal Outdoor		P	P
Special Event, Outdoor		P	P

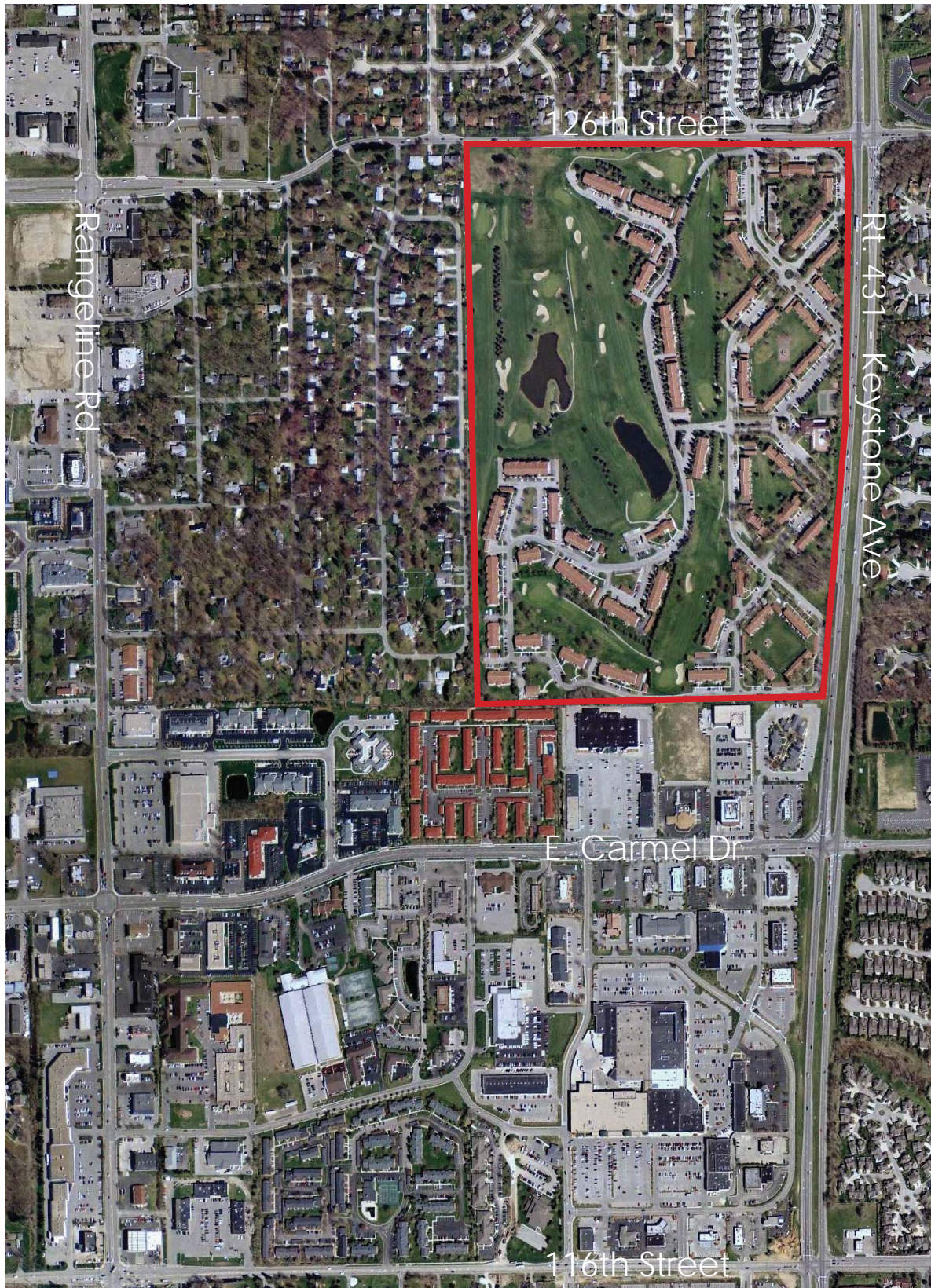
#### Transportation & Communication Uses

Antenna <sup>2</sup>			P
Collocated Antenna <sup>2</sup>		P	P
Radio and/or Television Studio		P	P
Radio/Television Transmission Antenna <sup>2</sup>			P
Wireless Telecommunications Antenna <sup>2</sup>		P	P
Private Helicopter Landing/Service Facility			SU

<sup>2</sup> If visually integrated with or camouflaged on or within another structure (including but not limited to a chimney stack, church spire, light standard, monument, penthouse, power line support device, or clock tower)



# Aerial Photograph





**TRAFFIC IMPACT ANALYSIS  
PREPARED BY A&F ENGINEERING CO., LLC**

**GRAMERCY  
BUCKINGHAM COMPANIES  
KEYSTONE AVENUE**

**EXECUTIVE SUMMARY  
FEBRUARY 2006**

**INTRODUCTION & PURPOSE**

A **Traffic Impact Analysis** was prepared on behalf of the Buckingham Companies for a proposed mixed-use development titled "Gramercy" that will be located along Keystone Avenue (U.S. 431) between 126<sup>th</sup> Street (Mohawk Drive) and Carmel Drive in Carmel, Indiana. The purpose of the analysis was to determine what effect traffic generated by the proposed development will have on the existing adjacent roadway system.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposed development is to be located west of Keystone Avenue between 126<sup>th</sup> Street (Mohawk Drive) and Carmel Drive in Carmel, Indiana. The traffic analysis was based on an estimated development of approximately 700 multi-family dwelling units, approximately 1500 townhouse/condominium dwelling units, senior housing with approximately 120 dwelling units, approximately 50,000 square feet of office land use, approximately 80,000 square feet of retail land use and a hotel with approximately 120 rooms. This information represents a conceptual development plan that could vary due to market conditions.

As proposed, the site will have a right-in/right-out access along Keystone Avenue, four access drives along 126<sup>th</sup> Street, an access with Carmel Drive through the extension of AAA Way and four access drives along Auman Drive East. The attached **Figure 1** is an area map showing the proposed site and the approximate locations of the proposed access drives.

**DESCRIPTION OF EXISTING MOHAWK HILLS APARTMENT COMPLEX**

The mixed use development as proposed by Buckingham Companies will replace the existing Mohawk Hills apartment complex and golf course. The existing complex has approximately 564 dwelling units. The estimated existing traffic volumes that are associated with the existing 564 multi-family dwelling units were subtracted from the generated traffic volumes of the proposed 700 multi-family dwelling units in order to analyze the true impact of the proposed mixed use development.

**STUDY AREA**

The study area defined for this analysis included the following intersections:

- Keystone Avenue and 126<sup>th</sup> Street (Mohawk Drive)
- Keystone Avenue and Carmel Drive
- Keystone Avenue and 116<sup>th</sup> Street
- Keystone Avenue and Proposed Right-In/Right-Out Access

In addition, recommendations have been made for the proposed access drives along 126<sup>th</sup> Street and along Auman Drive East.

## TRAFFIC SCENARIOS

The following traffic scenarios were analyzed at the study intersections:

- Scenario 1 – Existing Traffic
- Scenario 2 – Existing Traffic + Proposed Development Traffic
- Scenario 3 – Year 2016 Background Traffic (Horizon Year)
- Scenario 4 – Year 2016 Background Traffic + Proposed Development Traffic

## DESCRIPTION OF THE EXISTING INTERSECTION GEOMETRICS

The following study intersections are currently controlled by a coordinated traffic signal system. The existing intersection geometrics are shown on **Figure 2** and include the following:

### *Keystone Avenue and 126<sup>th</sup> Street (Mohawk Drive)*

- Northbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Southbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Eastbound Approach: A left-turn lane and a shared through/right-turn lane.
- Westbound Approach: A left-turn lane and a shared through/right-turn lane.

### *Keystone Avenue and Carmel Drive*

- Northbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Southbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Eastbound Approach: A left-turn lane, a through lane and a right-turn lane.
- Westbound Approach: A left-turn lane and a shared through/right-turn lane.

### *Keystone Avenue and 116<sup>th</sup> Street*

- Northbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Southbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Eastbound Approach: A left-turn lane, two through lanes and a right-turn lane.
- Westbound Approach: A left-turn lane, two through lanes and a right-turn lane.

## CAPACITY ANALYSIS RESULTS

The "efficiency" of an intersection is based on its ability to accommodate the traffic volumes that approach the intersection. It is defined by the Level-of-Service (LOS) of the intersection. The LOS is determined by a series of calculations commonly called a "capacity analysis". Input data into a capacity analysis include traffic volumes, intersection geometry, number and use of lanes and, in the case of signalized intersections, traffic signal timing. To determine the LOS at each of the study intersections, a capacity analysis has been made using the recognized computer program *Synchro*<sup>i</sup> which incorporates capacity calculations based on the *Highway Capacity Manual (HCM)*<sup>ii</sup>.

An analysis has then been made for the AM peak hour and PM peak hour for each of the study intersections considering each of the previously mentioned traffic scenarios. The following tables summarize the results of the capacity analysis for the study intersections.

TABLE 1 - LEVEL OF SERVICE SUMMARY: KEYSTONE AVENUE AND 126<sup>TH</sup> STREET (MOHAWK DRIVE)

## AM PEAK HOUR

MOVEMENT	SCENARIO				
	1	2	3A	3B	4
Northbound Approach	C	C	D	B	C
Southbound Approach	D	D	F	D	D
Eastbound Approach	E	E	E	D	E
Westbound Approach	E	E	F	D	E
Intersection	D	D	E	D	D

## PM PEAK HOUR

MOVEMENT	SCENARIO				
	1	2	3A	3B	4
Northbound Approach	C	C	C	C	C
Southbound Approach	C	C	D	D	D
Eastbound Approach	D	D	E	D	D
Westbound Approach	D	D	F	D	D
Intersection	D	D	D	D	D

DESCRIPTION OF SCENARIOS

- Scenario 1: Existing Traffic Volumes  
 Scenario 2: Sum of Existing Traffic and Proposed Development Traffic  
 Scenario 3: Year 2016 Background Traffic Volumes  
 Scenario 4: Sum of Year 2016 Background Traffic and Proposed Development Traffic

NOTES:

- This intersection was analyzed as a coordinated signal system with the near-by intersections along Keystone Avenue. The existing system cycle lengths as provided by the Indiana Department of Transportation were used to analyze the existing traffic volumes (Scenario 1). Optimized cycle lengths were used when analyzing the remaining scenarios.
- Scenarios 1 and 3A were analyzed with the existing intersection geometrics.
- Scenario 2 was analyzed with the addition of a continuous eastbound right-turn lane along 126<sup>th</sup> Street that starts 100 feet west of the western most proposed access (Access #1) and continues through the remaining access drives to Keystone Avenue.
- Scenario 3B was analyzed with the following improvements along Keystone Avenue:
  1. The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
  2. The conversion of the southbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
- Scenario 4 was analyzed with the improvement along 126<sup>th</sup> Street as needed for Scenario 2 as well as the improvements along Keystone Avenue as needed per Scenario 3B.

TABLE 2 - LEVEL OF SERVICE SUMMARY: KEYSTONE AVENUE AND CARMEL DRIVE

## AM PEAK HOUR

MOVEMENT	SCENARIO					
	1	1A	2	3A	3B	4
Northbound Approach	C	C	C	C	B	B
Southbound Approach	F	C	D	E	D	D
Eastbound Approach	D	D	D	E	D	D
Westbound Approach	F	E	E	F	D	D
Intersection	E	C	D	D	C	D

## PM PEAK HOUR

MOVEMENT	SCENARIO					
	1	1A	2	3A	3B	4
Northbound Approach	B	C	C	D	C	C
Southbound Approach	E	E	E	E	E	E
Eastbound Approach	D	C	D	E	C	D
Westbound Approach	E	E	D	E	E	E
Intersection	D	D	D	E	D	D

DESCRIPTION OF SCENARIOS

- Scenario 1: Existing Traffic Volumes  
 Scenario 2: Sum of Existing Traffic and Proposed Development Traffic  
 Scenario 3: Year 2016 Background Traffic Volumes  
 Scenario 4: Sum of Year 2016 Background Traffic and Proposed Development Traffic

NOTES:

- This intersection was analyzed as a coordinated signal system with the near-by intersections along Keystone Avenue. The existing system cycle lengths as provided by the Indiana Department of Transportation were used to analyze the existing traffic volumes (Scenario 1 and Scenario 1A). Optimized cycle lengths were used when analyzing the remaining scenarios.
- Scenario 1 was analyzed with the existing intersection geometrics.
- Scenarios 1A, 2 and 3A were analyzed with the addition of a second northbound left-turn lane along Keystone Avenue.
- Scenarios 3B and 4 were analyzed with the second northbound left-turn lane along Keystone Avenue as mentioned above as well as the following improvements:
  1. The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
  2. The addition of a third southbound through lane along Keystone Avenue.

TABLE 3 - LEVEL OF SERVICE SUMMARY: KEYSTONE AVENUE AND 116<sup>TH</sup> STREET

## AM PEAK HOUR

MOVEMENT	SCENARIO				
	1	2	3A	3B	4
Northbound Approach	D	D	E	D	D
Southbound Approach	B	D	E	C	D
Eastbound Approach	E	D	E	D	D
Westbound Approach	E	E	F	D	E
Intersection	D	D	E	D	D

## PM PEAK HOUR

MOVEMENT	SCENARIO				
	1	2	3A	3B	4
Northbound Approach	D	D	E	D	E
Southbound Approach	C	D	D	C	C
Eastbound Approach	D	D	E	D	E
Westbound Approach	D	D	D	D	D
Intersection	D	D	E	D	D

DESCRIPTION OF SCENARIOS

- Scenario 1: Existing Traffic Volumes  
 Scenario 2: Sum of Existing Traffic and Proposed Development Traffic  
 Scenario 3: Year 2016 Background Traffic Volumes  
 Scenario 4: Sum of Year 2016 Background Traffic and Proposed Development Traffic

NOTES:

- This intersection was analyzed as a coordinated signal system with the near-by intersections along Keystone Avenue. The existing system cycle lengths as provided by the Indiana Department of Transportation were used to analyze the existing traffic volumes (Scenario 1). Optimized cycle lengths were used when analyzing the remaining scenarios.
- Scenarios 1, 2 and 3A were analyzed with the existing intersection geometrics.
- Scenarios 3B and 4 were analyzed with the following improvements:
  1. The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
  2. The conversion of the southbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.

TABLE 4 - LEVEL OF SERVICE SUMMARY: KEYSTONE AVENUE AND PROPOSED RIGHT-IN/RIGHT-OUT ACCESS

AM PEAK HOUR		
MOVEMENT	SCENARIO 2	SCENARIO 4
Eastbound Approach	E	C

PM PEAK HOUR		
MOVEMENT	SCENARIO 2	SCENARIO 4
Eastbound Approach	C	B

#### DESCRIPTION OF SCENARIOS

Scenario 2: Sum of Existing Traffic and Proposed Development Traffic

Scenario 4: Sum of Year 2016 Background Traffic and Proposed Development Traffic

#### NOTES:

- This access is proposed as a right-in/right-out access. A median exists along Keystone Avenue in the vicinity of the access.
- Scenario 2 was analyzed with the addition of a southbound right-turn lane along Keystone Avenue. Per the Indiana Department of Transportation's *Driveway Permit Manual*<sup>iii</sup>, this turn lane should have 550 feet of deceleration and a 100 foot taper. A 100 foot recovery taper is also proposed at the access.
- When the existing traffic volumes are projected forward to the year 2016 based on an annual growth rate, before the generated traffic is added to the roadway network, Keystone Avenue will need to have six travel lanes (three in each direction) in order for the signalized study intersections to operate at level of service "D" or better during the peak hours. The additional travel lanes are not due to the proposed development as they are needed before the proposed development traffic is added to the roadway network in order to accommodate the year 2016 background traffic volumes. Scenario 4 was then analyzed with an additional through lane in both directions along Keystone Avenue as well the addition of the southbound right-turn lane recommended for Scenario 2.

## RECOMMENDATIONS

Based on the results of the traffic study, the following recommendations are made to ensure that the roadway system will operate at acceptable levels of service if the site is developed as proposed.

### 1. KEYSTONE AVENUE AND 126<sup>TH</sup> STREET (MOHAWK DRIVE)

#### *Year 2006 Conditions*

A continuous eastbound right-turn lane is recommended along 126<sup>th</sup> Street that starts 100 feet west of the western most proposed access (Access #1) and continues through the remaining access drives to Keystone Avenue. When the generated traffic volumes from the proposed development are added to the existing traffic volumes, this intersection will operate at acceptable levels of service during the peak hours with this improvement. The intersection geometrics will then consist of the following:

Northbound Approach:	A left-turn lane, two through lanes and a right-turn lane.
Southbound Approach:	A left-turn lane, two through lanes and a right-turn lane.
Eastbound Approach:	A left-turn lane, a through lane and a right-turn lane.
Westbound Approach:	A left-turn lane and a shared through/right-turn lane.

#### *Year 2016 Conditions (Horizon Year)*

When the existing traffic volumes are projected forward to the year 2016, before the generated traffic volumes from the proposed development are added, the following improvements are needed at this intersection in order to achieve level of service “D” or better during the peak hours:

- The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
- The conversion of the southbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.

The improvements listed above are not due to the proposed development.

When the proposed development traffic is added to the year 2016 background traffic, the continuous eastbound right-turn lane along 126<sup>th</sup> Street is recommended. The intersection geometrics will then consist of the following:

Northbound Approach:	A left-turn lane, two through lanes and a shared through/right-turn lane.
Southbound Approach:	A left-turn lane, two through lanes and a shared through/right-turn lane.
Eastbound Approach:	A left-turn lane, a through lane and a right-turn lane.
Westbound Approach:	A left-turn lane and a shared through/right-turn lane.



## 2. KEYSTONE AVENUE AND CARMEL DRIVE

### *Year 2006 Conditions*

The addition of a second northbound left-turn lane is needed along Keystone Avenue in order to achieve level of service “D” or better during the peak hours with the existing traffic volumes. The intersection geometrics will then consist of the following:

Northbound Approach:	Two left-turn lanes, two through lanes and a right-turn lane.
Southbound Approach:	A left-turn lane, two through lanes and a right-turn lane.
Eastbound Approach:	A left-turn lane, a through lane and a right-turn lane.
Westbound Approach:	A left-turn lane and a shared through/right-turn lane.

When the proposed development traffic is added to the existing traffic, the intersection geometrics listed above will accommodate the projected traffic volumes. Therefore, no improvements are needed at this intersection due to the proposed development.

### *Year 2016 Conditions (Horizon Year)*

When the existing traffic volumes are projected forward to the year 2016, before the generated traffic volumes from the proposed development are added, the following improvements are needed at this intersection in order to achieve level of service “D” or better during the peak hours:

- The addition of the second northbound left-turn lane along Keystone Avenue as needed per the existing traffic volumes.
- The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
- The addition of a third southbound through lane along Keystone Avenue.

The improvements listed above are not due to the proposed development. With the improvements, the intersection geometrics will then consist of the following:

Northbound Approach:	Two left-turn lanes, two through lanes and a shared through/right-turn lane.
Southbound Approach:	A left-turn lane, three through lanes and a right-turn lane.
Eastbound Approach:	A left-turn lane, a through lane and a right-turn lane.
Westbound Approach:	A left-turn lane and a shared through/right-turn lane.

When the proposed development traffic is added to the year 2016 background traffic, the intersection geometrics listed above will accommodate the projected traffic volumes. Therefore, no improvements are needed at this intersection due to the proposed development.

### 3. KEYSTONE AVENUE AND 116<sup>TH</sup> STREET

#### *Year 2006 Conditions*

The existing intersection geometrics will adequately accommodate the generated traffic from the proposed development. Therefore, no improvements are needed at this intersection due to the proposed development.

#### *Year 2016 Conditions (Horizon Year)*

When the existing traffic volumes are projected forward to the year 2016, before the generated traffic volumes from the proposed development are added, the following improvements are needed at this intersection in order to achieve level of service “D” or better during the peak hours:

- The conversion of the northbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.
- The conversion of the southbound right-turn lane along Keystone Avenue into a shared through/right-turn lane.

The improvements listed above are not due to the proposed development. With the improvements, the intersection geometrics will then consist of the following:

- |                      |   |
|----------------------|---|
| Northbound Approach: | A left-turn lane, two through lanes and a shared through/right-turn lane. |
| Southbound Approach: | A left-turn lane, two through lanes and a shared through/right-turn lane. |
| Eastbound Approach:  | A left-turn lane, two through lanes and a right-turn lane.                |
| Westbound Approach:  | A left-turn lane, two through lanes and a right-turn lane.                |

When the proposed development traffic is added to the year 2016 background traffic, the intersection geometrics listed above will accommodate the projected traffic volumes. Therefore, no improvements are needed at this intersection due to the proposed development.

### 4. KEYSTONE AVENUE AND PROPOSED RIGHT-IN / RIGHT-OUT ACCESS

#### *Year 2006 Conditions & Year 2016 Conditions (Horizon Year)*

This access is proposed to be constructed as a right-in/right-out access. A median exists along Keystone Avenue in the vicinity of the access. It is recommended to construct a southbound right-turn lane along Keystone Avenue at the access drive. Per the Indiana Department of Transportation’s *Driveway Permit Manual*, this turn lane should have 550 feet of deceleration and a 100 foot taper. A 100 foot recovery taper is also recommended at the access.

The traffic simulation program *SimTraffic*<sup>iv</sup> was used to visually model the anticipated traffic flow operations when the generated traffic from the proposed development is added to the roadway network. Based on the *SimTraffic* simulations and the proposed access location, adequate spacing will be provided so that vehicles traveling southbound along Keystone Avenue will not queue back from Carmel Drive to the proposed right-in/right-out access.

## 5. ACCESS DRIVES ALONG 126<sup>TH</sup> STREET (MOHAWK DRIVE)

*Year 2006 Conditions & Year 2016 Conditions (Horizon Year)*

The following conditions are recommended for the proposed access drives along 126<sup>th</sup> Street:

- Each unsignalized access controlled with the access drive stopping for 126<sup>th</sup> Street.
- Access #2 and Access #4 (the main access drives) each constructed with two outbound lanes and one inbound lane. Access #1 and Access #3 each constructed with at least one outbound lane and one inbound lane.
- The addition of a continuous eastbound right-turn lane along 126<sup>th</sup> Street that starts 100 feet west of the western most access (Access #1) and continues through the remaining access drives to Keystone Avenue.
- The addition of a westbound left-turn lane along 126<sup>th</sup> Street at each access. Combined with the existing eastbound left-turn lane at the Keystone Avenue intersection, a continuous left-turn lane would then be created along 126<sup>th</sup> Street in the vicinity of the site. A minimum of 100 feet of storage is recommended for the left-turn lane serving Access #2. A minimum of 50 feet of storage is recommended for each of the left-turn lanes serving Access #1 and Access #3. There is approximately 460 feet of space for a left-turn lane between the eastern most access drive (Access #4) and Keystone Avenue. A minimum of 100 feet of storage with a 100 foot taper is recommended for the westbound left-turn lane serving Access #4. It is then recommended that the existing eastbound left-turn lane at the Keystone Avenue intersection be extended back so that it has 260 feet of storage.

The traffic simulation program *SimTraffic* was used to visually model the anticipated traffic flow operations when the generated traffic from the proposed development is added to the roadway network. Based on the *SimTraffic* simulations, adequate spacing will be provided along 126<sup>th</sup> Street between the proposed access drives and the intersection of Keystone Avenue and 126<sup>th</sup> Street. In addition, the recommended storage lengths for the auxiliary lanes will accommodate the projected traffic volumes.

## 6. ACCESS DRIVES ALONG AUMAN DRIVE EAST

*Year 2006 Conditions & Year 2016 Conditions (Horizon Year)*

The following conditions are recommended for the proposed access drives along Auman Drive East:

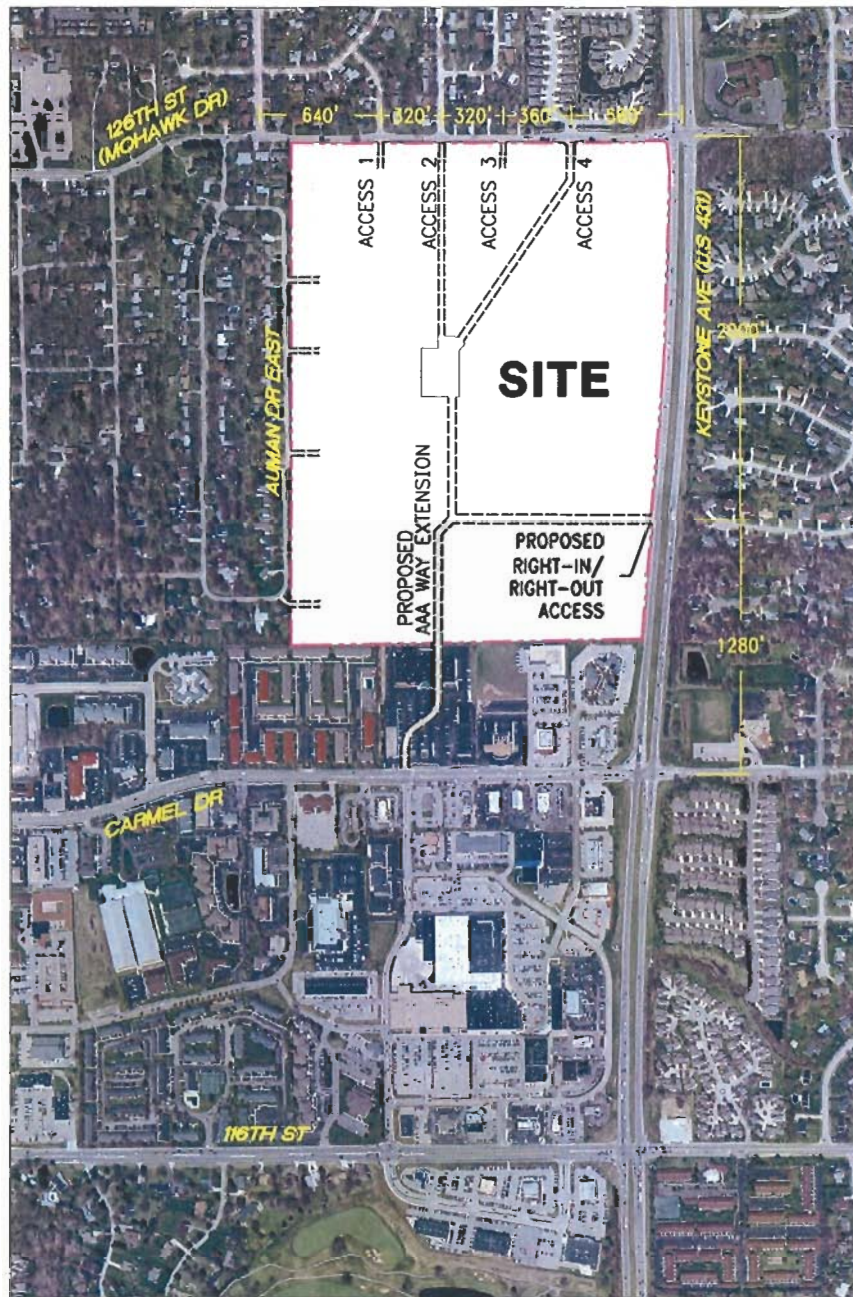
- Each unsignalized access controlled with the access drive stopping for Auman Drive East.
- Each access constructed with at least one outbound lane and one inbound lane.
- These access drives will mainly serve the proposed residential homes that are located towards the east edge of the site. However, the majority of the traffic to and from the development will access the site via the drives that are located along the major roadways (i.e. along Keystone Avenue, 126<sup>th</sup> Street and Carmel Drive). Based on the peak hour projected traffic volumes determined in this study, the proposed development will most likely add 20 vehicles or less during the peak hours in either direction along Auman Drive East. Considering the low volume of projected traffic, the proposed development will have very little impact to Auman Drive East. Therefore, improvements will not be needed along Auman Drive East due to the low traffic volumes projected at the drives.

<sup>i</sup> *Synchro 6.0*, Trafficware, 2003.

<sup>ii</sup> *Highway Capacity Manual (HCM)*, Transportation Research Board, National Research Council, Washington, DC, 2000.

<sup>iii</sup> *Driveway Permit Manual*, Indiana Department of Transportation (INDOT), 1996.

<sup>iv</sup> *SimTraffic 6.0*, Trafficware, 2003.

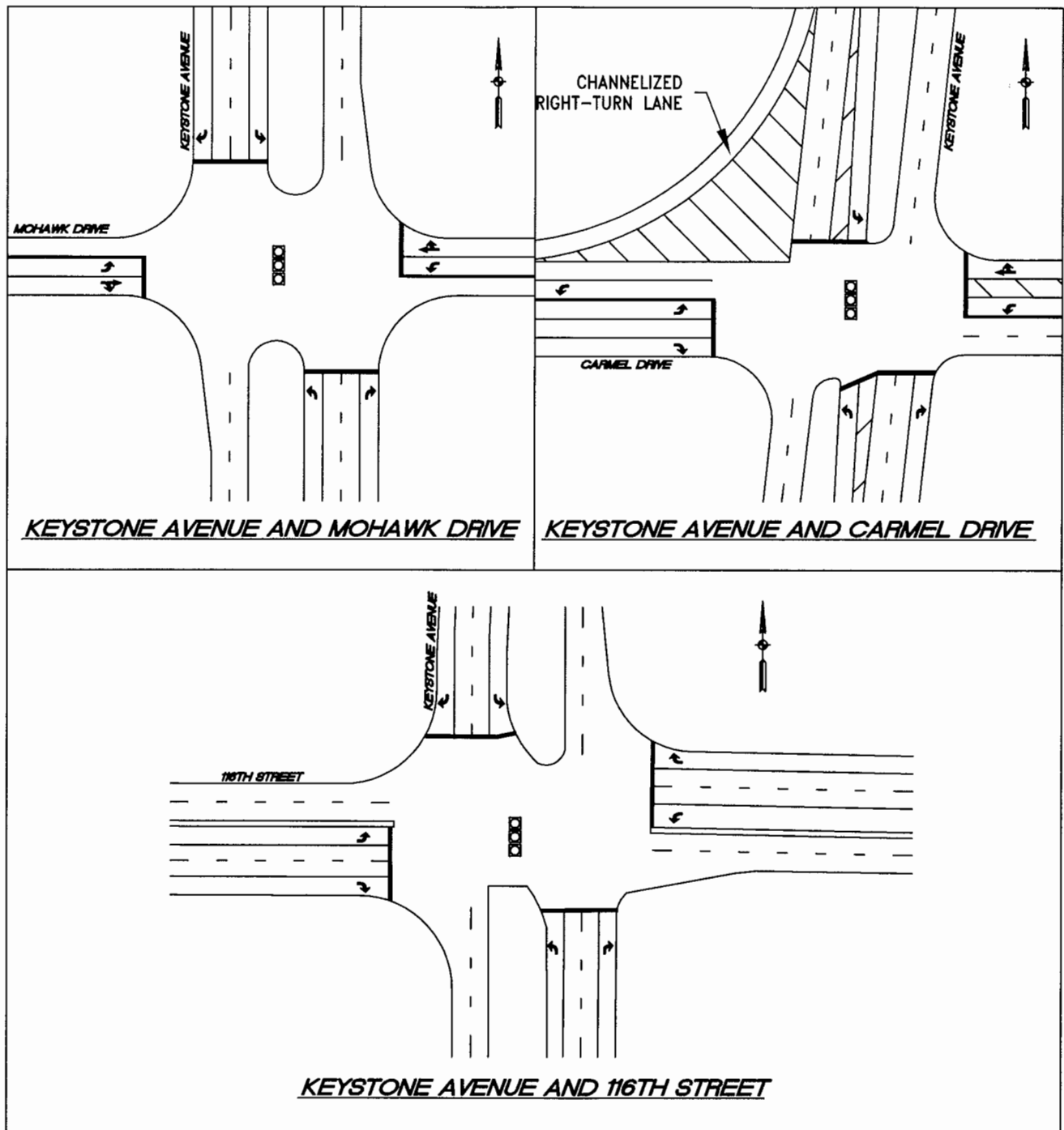


ALL DISTANCES ARE APPROXIMATE

DEVELOPMENT INFORMATION		
LAND USE	ITE CODE	SIZE
PROPOSED MULTI-FAMILY (GRAMMERCY PROPOSAL)	220	700 DU
EXISTING MULTI-FAMILY (EXISTING MOHAWK HILLS)	220	~564 DU
ADDITIONAL MULTI-FAMILY WITH GRAMMERCY PROPOSAL	220	136 DU
TOWNHOUSE/CONDOMINIUM	230	1500 DU
SENIOR HOUSING	252	120 DU
OFFICE	710	50,000 SF
RETAIL	820	80,000 SF
HOTEL	310	120 ROOMS

**FIGURE 1**  
**AREA MAP**

**GRAMMERCY**  
**BUCKINGHAM COMPANIES**  
**CARMEL, INDIANA**



**FIGURE 2**  
**EXISTING INTERSECTION**  
**SCHEMATICS**

**GRAMMERCY**  
**BUCKINGHAM COMPANIES**  
**CARMEL, INDIANA**

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**SPONSOR: Councilor Rattermann**

**ORDINANCE Z-495-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA ESTABLISHING  
THE ARAMORE PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, Section 31.6.4 of the Carmel/Clay Zoning Ordinance Z-289 (the “Carmel/Clay Zoning Ordinance”), provides for the establishment of a Planned Unit Development District in accordance with the requirements of I.C. § 36-7-4-1500 et seq.;

WHEREAS, the Carmel/Clay Plan Commission (the “Commission”) has given a favorable recommendation to the ordinance set forth herein (the “Ordinance”) which establishes the Aramore Planned Unit Development District (the “District”).

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana (the “Council”), that (i) pursuant to IC §36-7-4-1500 *et seq.*, it adopts this Aramore Ordinance, as an amendment to the Carmel/Clay Zoning Ordinance and it shall be in full force and effect from and after its passage, (ii) all prior ordinances or parts thereof inconsistent with any provision of this Aramore Ordinance and its exhibits are hereby repealed, (iii) all prior commitments and restrictions shall be null and void and replaced and superseded by this Aramore Ordinance, and (iv) this Aramore Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Section 1      Applicability of Ordinance:

Section 1.1      The Official Zoning Map of the City of Carmel and Clay Township, a part of the Carmel/Clay Zoning Ordinance, is hereby changed to designate the land described in Exhibit “A” (the “Real Estate”), as a Planned Unit Development District to be known as Aramore.

Section 1.2      Development in the District shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the Carmel/Clay Zoning Ordinance specifically referenced in this Ordinance. In the event of a conflict between this Ordinance and the Carmel/Clay Zoning Ordinance or the Sign Ordinance, the provisions of this Ordinance shall apply.

Section 1.3      Any capitalized term not defined herein shall have the meaning as set forth in the Carmel/Clay Zoning Ordinance in effect on the date of the enactment of this Ordinance.

Section 2      Permitted Primary Uses: Permitted uses are condominiums and/or multi-family dwelling units.

Section 3      Accessory Buildings and Uses:    All Accessory Structures and Accessory Uses shall be permitted except that any detached accessory building shown in any development plan shall have on all sides the same architectural features or shall be architecturally compatible with the principal building(s) with which it is associated.

Section 4      Communication Equipment.    Cell towers shall not be permitted. Home satellite dishes shall be permitted.

Section 5      Platting:    The platting of the Real Estate into smaller tracts shall be permitted, so long as the proposed plat complies with the area requirements set forth below in Section 6, and the creation of a new property line within the Real Estate shall not impose or establish new development standards beyond those specified below in Section 6 for the entirety of the Real Estate. However, the development of any parcel shall conform to all Preliminary Development Plans and Final Development Plans which are approved or amended per the terms of Section 14.1 below, and all other applicable requirements contained in this Ordinance.

Section 6      Height, Area and Square Footage Requirements:

Section 6.1    Maximum Building Height:    The maximum Building Height for Townhomes is thirty-eight (38) feet. The maximum Building Height for Courthomes is thirty (30) feet.

Section 6.2    Minimum Building Set Back:    The Minimum Set Back from any perimeter boundary line of the Real Estate shall be not less than Ten (10) feet.

Section 6.3    Minimum Building Separation.    The minimum building distance between Buildings, measured from the exterior face of the foundation, shall be ten (10) feet for Townhomes and Courthomes.

Section 6.4    Maximum Parcel Coverage, Density and Square Footage:

- A.    Maximum Parcel Coverage shall be fifty percent (50%).
- B.    There shall be a maximum of one hundred and fifty (151) Townhomes and seventy-two (70) Courthomes on approximately twenty-seven and 35/100 (27.35) acres.
- C.    Square Footage of Townhome Floor Plans for Product Offerings shall not be less than one thousand five hundred square feet. Square Footage of Courthome Floor Plans for Product Offerings shall not be less than two thousand square feet.

Section 6.5    Maximum Number of Buildings.    There shall be no more than thirty (30) Townhome Buildings and twenty-two (22) Courthome Buildings located upon the Real Estate.



Section 7.      Architectural Design Requirements:

- A.    Suitability of building materials: A minimum of four (4) materials shall be used for Building exteriors, from the following list: brick, cast stone, stone, Hardi-Plank, stucco, glass, wood soffits, and vinyl windows and/or the equivalents thereof for all of the foregoing. The use of wood and Hardi-Plank shall be limited to Trim and Siding.
- B.    Roof design: All Townhome roofs, except for open porch roofs, shall have a minimum slope of 12 horizontal to 6 vertical. All Courthome roofs, except for open porch roofs, shall have a minimum slope of 12 horizontal to 4 vertical.
- C.    Building rendering and elevations: Attached hereto and incorporated herein by reference as Exhibit “B” and Exhibit “C” are a rendering and elevations, depicting the building materials and architectural elements of the Townhomes and Courthomes respectively, to be constructed upon the Real Estate.
- D.    Community mail box structure: Attached hereto and incorporated herein by reference as Exhibit “D.03” is a rendering of the community mail box and master mailbox plan as Exhibit “D.01”.

Section 8      Landscaping Requirements:

Section 8.1    Landscape Plan: The Landscape Plan shall consist of the landscape detail depicted on the landscape plan which is attached hereto as Exhibit “D” (hereafter “Landscape Plan”). Landscaping shall be installed per the Landscape Plan and will be in conformance with Chapter 26.04.06 of the Carmel Zoning Ordinance as it relates to Bufferyards.

Section 8.2    Landscaping Standards:

- A.    Materials: All plants proposed to be used in accordance with any landscaping plan shall meet ANZI Z60-60.1-1996 and meet the following specifications:
  - 1. Shade trees: two and one-half inch (2½”) caliper, a minimum height of eight (8) feet, and a branching height of not less than one-third (1/3) nor more than one-half (1/2) of tree height.
  - 2. Ornamental trees: one and one-half inch (1½”) caliper a minimum height of six (6) feet, and a branching height of not less than one-third (1/3) nor more than one-half (½) of tree height.
  - 3. Evergreen Trees: A minimum height of eight (8) feet.
  - 4. Deciduous Shrubs: A minimum height of twenty-four (24) inches, and no less than six (6) main branches upon planting.



5. Evergreen Shrubs: A minimum height and spread of twenty-four (24) inches.

Section 8.3     Landscaping Installation and Maintenance:

- A.     Maintenance: It shall be the responsibility of the owners and their agents to insure proper maintenance of project landscaping and lake areas approved in accordance with this Ordinance. This is to include, but is not limited to, irrigation and mulching of planting areas, replacing dead, diseased, or overgrown plantings with identical varieties or a suitable substitute, and keeping the area free of refuse, debris, rank vegetation and weeds.

Section 8.4     Bufferyards/Tree Preservation:

- A.     Tree Preservation will be implemented where possible but in the event that tree preservation is not successful, landscape material will be installed consistent with the Bufferyard Requirements Section 26.04.06 that will consist of 3 shade trees, 4 ornamental trees and 21 shrubs per 100 linear feet.

Section 9       Lighting Requirements and Park Benches:

Section 9.1.

- A.     Front of Townhome lighting:
  1.       Each Townhome having a covered porch at the front entrance shall have one (1) downcast light fixture hanging from the ceiling of the covered porch.
  2.       Each Townhome which does not have a covered porch at the front entrance shall have two (2) downcast light fixtures mounted on either side of the front door.
- B.     Rear of Townhome lighting: Each Townhome shall have one (1) exterior grade downcast coach light mounted on either side of the overhead garage door, each one activated by a dusk-to-dawn sensor.
- C.     Courthome lighting: Each Courthome shall have a minimum of one (1) downcast light fixture at each entry door and shall have two (2) exterior grade downcast coach lights mounted on either side of the overhead garage door, each one activated by a dusk-to-dawn sensor.
- D.     Street Lighting: Attached hereto and incorporated herein by reference as Exhibit "D.02" is a picture of the community street lighting fixtures and master street lighting plan as Exhibit "D.01". All street lighting shall be downcast fixtures/90 degree cut off.

- E. Park Benches: Attached hereto and incorporated herein by reference as Courtyard Bench Exhibit “G” is a picture of the community park bench and master community bench plan as Exhibit “D.01”.

## Section 10     Signs

### Section 10.1. Ground Signs and Entry Wall.

- A. Type: One (1) Ground/Entryway Sign shall be permitted near each entrance to the development, as is depicted on Exhibit “F”, which is attached hereto and incorporated herein by reference.
- B. Maximum Sign Area: Thirty Six (36) square feet each.
- C. Illumination of Sign: External.
- D. Sign Permit: Required.
- E. Fees: Required.

## Section 11     Parking

Section 11.1 Parking: Each Townhome shall contain a two (2) car garage and each Courthome shall have a two car garage, in addition, there shall be not less than seventy (70) external parking spaces.

## Section 12     Mechanical Equipment

Section 12.1 Mechanical Equipment: Any mechanical equipment visible from an adjoining street or highway shall be screened with suitable fencing or landscaping and in general be architecturally compatible with the building(s) with which it is associated.

## Section 13     Homeowners Association and Declaration of Covenants

Section 13.1 Declaration of Covenants and Homeowners Association: A Declaration of Covenants shall be recorded which shall also contain various provisions regarding the Real Estate, including provisions for an initiation fee, a budget requirement to fund general reserves, the use of the Real Estate, and improvement approval requirements after initial construction. The Declaration of Covenants will also provide for the establishment of a Homeowners Association in which membership shall be mandatory.

Section 14. Approval Process:

Section 14.1. Approval or Denial of the Primary Plat/Development Plan.

- A. Exhibit “E”, which is attached hereto and incorporated herein by reference, shall serve as the Conceptual Plan (the “CP”). The CP constitutes the Development Plan and is a guideline for the primary plat for the Real Estate. The architecture, design, lighting and landscaping for the Real Estate and the improvements thereon, considered in connection with the Ordinance, will require further (i) ADLS approval or (ii) Development Plan/primary plat approval along with Final Development Plan approval per the procedure set forth below in this Section 14. If there is a Substantial Alteration in the approved ADLS and Development Plan/primary plat, review and approval of the amended plans shall be made by the Commission, or a Committee thereof, pursuant to the Commission’s rules of procedure. Minor Alterations and Material Alterations may be approved by the Director.
- B. The Director shall have the sole and exclusive authority to approve without conditions, approve with conditions, or disapprove the Final Development Plans/Secondary Plats (collectively, the “FDP”) for Aramore; provided, however, that the Director shall not unreasonably withhold or delay the Director’s approval of the FDP that is in substantial conformance with the CP and is in conformance with the Development Requirements of this Ordinance. If the Director disapproves any FDP, the Director shall set forth in writing the basis for the disapproval and schedule the request for approval of the FDP for a hearing before the full Plan Commission.
- C. An amendment to the FDP, which is not determined by the Director to be a substantial or material alteration from the approved CP, may be reviewed and approved solely by the Director. However, in the event the Director determines that there has been a Substantial Alteration or Material Alteration between the approved CP and any proposed FDP, the Director may, at the Director’s discretion, refer the amended FDP to the Commission, or a Committee thereof, for review and approval by the Commission and/or a Committee thereof.
- D. The FDP shall be a specific plan for the development of all or a portion of the real estate that is submitted for approval to the Director, which shall include reasonable detail regarding the facility and structures to be constructed, as well as drainage, erosion control, utilities, and building information.

## Section 15     Definitions and Rules of Construction:

Section 15.1 General Rules of Construction. The following general rules of construction and definitions shall apply to the regulations of this Ordinance:

- A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.
- C. The word “shall” is a mandatory requirement. The word “may” is a permissive requirement. *The word “should” is a preferred requirement.*

### Section 15.2   Definitions.

- A. Accessory Structure: A structure subordinate to a building or use located on the Real Estate which is not used for permanent human occupancy.
- B. Accessory Use: A use subordinate to the main use, located on the Real Estate or in the same building as the main use, and incidental to the main use.
- C. Building Height: The vertical distance when measuring from the first finished floor elevation to the mean height between eaves and ridges.
- D. City: The City of Carmel, Indiana.
- E. Commission: The Carmel/Clay Plan Commission.
- F. Conceptual Plan. A general plan for the development of the Real Estate that is submitted for approval showing proposed facilities, buildings, and structures. This plan generally shows landscape areas, parking areas, site access, drainage features, and building locations.
- G. Condominiums: A residential living unit or units as defined in and governed by the Indiana Code, Sections 32-25-1 to 32-25-9-2, inclusive.
- H. Council: The City Council of the City of Carmel, Indiana.
- I. County: Hamilton County, Indiana.
- J. Declaration of Covenants: A Declaration of Covenants, Conditions and Restrictions for the Real Estate which shall be recorded in the office of the Recorder of Hamilton County, Indiana, and which may, from time to time, be amended.

- K. Developer: Pittman Partners, Inc. and its successors and assigns or any person and/or entity engaged in development of one or more phases and/or sections of the development.
- L. Development Requirements: Development standards and any requirements specified in this Ordinance which must be satisfied in connection with the approval of a Final Development Plan.
- M. Director: Director, or Administrator, of the Department of Community Services for the City of Carmel, Indiana. “Director” and “Administrator” shall include his/her authorized representatives.
- N. Final Development Plan. A specific plan for the development of the Real Estate that is submitted for approval showing proposed facilities, buildings, and structures. This plan review includes general landscaping, parking, drainage, erosion control, signage, lighting, screening and building information for the site.
- O. Material Alteration: Any change to an approved plan of any type that involves the substitution of one material, species, element, etc. for another.
- P. Minor Alteration: Any change to an approved plan of any type that involves the revision of less than ten percent (10%) of the plan’s total area or approved materials and can not include a change in architectural requirements, decrease in open space or amenities, elimination of required plantings, or the addition of living units.
- Q. Parcel Coverage: The total ground area, within the Real Estate, covered by buildings and accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to a roof, divided by the total horizontal area within the Real Estate boundaries.
- R. Real Estate: The Real Estate shall mean and refer to all of the Real Estate described in Exhibit “A”.
- S. Right-of-Way: An area of land permanently dedicated to provide light, air and access.
- T. Set Back: The least measured distance between a building or structure, excluding, however, porches, patios, and the perimeter boundary of the Real Estate. For purposes of determining Set Back, the perimeter boundary of the Real Estate (i) shall always mean and refer to the outside perimeter boundary line of the Real Estate and (ii) shall not be changed or reduced by reason of the platting or subdivision of the Real Estate into smaller parcels.

- U. Sign: Any type of sign as further defined and regulated by this Ordinance and the Sign Ordinance for Carmel-Clay Township, Ordinance Z-196, as amended.
- V. Substantial Alteration: Any change to an approved plan of any type that involves the revision of ten percent (10%) or more of the plan's total area or approved materials.
- W. Townhome: An attached townhome intended for occupancy by a single family.
- X. Townhome Building: A structure containing Townhomes.
- Y. Courthome: An attached condominium intended for occupancy by a single family.
- Z. Courthome Building: A structure containing Courthomes.
- AA. Trim: Soffits, architraves, wood reveals, and casement around doors and windows.

Section 16. Violations. All violations of this Ordinance shall be subject to Section 34.0 of the Carmel/Clay Zoning Ordinance.

**PASSED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL**

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana the \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk Treasurer

This Instrument prepared by: Steve Pittman, Pittman Partners, Inc. PO Box 554, Carmel, IN 46082.



## **EXHIBIT “A”**

### **Legal Description**

Part of the Northwest Quarter of the Southwest Quarter of Section 7, Township 17 North, Range 4 East, in Hamilton County, Indiana, described as follows:

Commencing at the northwest corner of said quarter section; thence South 00 degrees 09 minutes 06 seconds West (assumed bearing) along the west line of said quarter section a distance of 425.85 feet to the northwest corner of a tract of land described in a deed recorded as Instrument Number 2005-26315 in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 50 minutes 54 seconds East along the north line of said tract a distance of 75.00 feet to the northeast corner of said tract and the Point of Beginning, being a point on the south line of a tract of land described in a deed recorded as Instrument Number 89-25227; thence continuing South 89 degrees 50 minutes 54 seconds East along said south line a distance of 429.20 feet to a point on the easterly line of a tract of land described in a deed recorded as Instrument Number 2005-26316 (the following three courses are along the easterly lines of said tract of land); 1) thence South 00 degrees 09 minutes 06 seconds West a distance of 54.36 feet; 2) thence South 89 degrees 47 minutes 07 seconds East a distance of 156.00 feet; 3) thence South 00 degrees 09 minutes 06 seconds West a distance of 222.63 feet to the north line of a tract of land described in a deed recorded in Deed Book 314, page 403; thence South 89 degrees 31 minutes 11 seconds East along said north line a distance of 307.73 feet to southwest corner of a tract of land described in a deed recorded in Deed Book 349, page 522; 1) thence North 00 degrees 20 minutes 59 seconds East along the west line of said tract a distance of 689.87 feet to the north line of said quarter-quarter section; 2) thence South 88 degrees 58 minutes 07 second East along said north line a distance of 379.80 feet to the northeast corner of said quarter-quarter section and the northeast corner of a tract of land described in a deed recorded in Deed Book 349, page 523 (the following two courses are along the easterly and southerly lines of said tract); 1) thence South 00 degrees 20 minutes 55 seconds West along the east line of said quarter-quarter section a distance of 445.00 feet; 2) thence North 88 degrees 58 minutes 07 seconds West a distance of 190.22 feet to the east line of the aforesaid tract of land described in Deed Book 349, page 522; thence South 00 degrees 20 minutes 55 seconds West along said east line a distance of 243.05 feet to the north line of the aforesaid tract of land described in a deed recorded in Deed Book 314, page 403; thence South 89 degrees 31 minutes 11 seconds East along said north line a distance of 190.21 feet to the east line of said quarter-quarter section; thence South 00 degrees 20 minutes 55 seconds West along said east line a distance of 646.66 feet to the southeast corner said quarter-quarter section; thence North 89 degrees 30 minutes 24 seconds West along the south line of said quarter-quarter section a distance of 1275.51 feet to the east right-of-way line per road plans for Carmel Project Number 04-11 for Westfield Boulevard (the following two courses are along said east right-of-way line); 1) thence North 00 degrees 09 minutes 06 seconds East a distance of 323.07 feet; 2) thence South 89 degrees 31 minutes 11 seconds East a distance of 5.00 feet; thence North 00 degrees 09 minutes 06 seconds East a distance of 597.10 feet to the Point of Beginning, containing 27.358 acres, more or less.